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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,465	04/20/2006	Takuya Ishioka	289999US2PCT	7159
22850 7590 11/18/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAN, KAWING	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 11/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/576,465	<b>Applicant(s)</b> ISHIOKA ET AL.	
	<b>Examiner</b> Kawing Chan	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/20/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/20/06 and 05/13/08</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 04/20/06 and 05/13/08 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by examiner.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "presence/absence" in line 3 and "an abnormality" in line 5. Appropriate corrections are required.
4. For examination purpose, the phrase "presence/absence" is interpreted as "presence or absence", and the phrase "an abnormality" in line 5 is suggested to change to "the abnormality" since it is believed the phrase "an abnormality" in line 5 is referring to "an abnormality" in line 3.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Herkel et al. (US 6,170,614 B1).

7. In Re claim 1, with reference to Figures 2-3, Fukai discloses an elevator control apparatus (1, 2) comprising:

- An abnormality monitoring portion (24) that makes a determination on presence/absence of an abnormality in an elevator (E) based on information from a sensor (22) (Col 4 lines 23-54); and
- A history information recording portion (26) that records a history of information (operational data of an elevator) concerning the determination by the abnormality monitoring portion (24) (Abstract; Col 5 lines 1-13);

Fukai fails to teach the output of a signal for stopping a car upon detecting an abnormality.

However, with reference to figures 1-2, Herkel teaches the output of a signal (22) for stopping a car upon detecting an abnormality (overspeed condition) (Col 2 lines 20-50).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai with the teachings of Herkel, since it is known in the art to apply braking system on an elevator upon activation signal received so that the elevator can be stopped immediately once an abnormality of the elevator is detected.

8. In Re claim 2, with reference to Figure 1, Herkel teaches the abnormality monitoring portion (8) is a speed monitoring portion that performs a comparison between a detected speed of the car and a set value (threshold velocity), and outputs the signal (22) for stopping the car depending on a result of the comparison (Col 2 lines 35-50).

9. In Re claim 3, with reference to Figure 2, Herkel teaches the speed monitoring portion (8) sets the set value (different threshold velocities for upward or downward movement of the car) according to a position of the car (i.e. position indicating upward or downward movement of the car) (Col 3 lines 6-23).

10. In Re claim 7, Fukai teaches the history information recording portion (26) is capable of recording routine inspection history (i.e. operational data of an elevator are constantly and successively stored) (Abstract; Col 1 lines 10-33; Col 6 lines 29-37).

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Herkel et al. (US 6,170,614 B1) as applied to claim 2 above, and further in view of Lence Barreiro et al. (US 2003/0000777 A1).

12. In Re claims 4 and 5, Fukai and Herkel have been discussed above, but they fail to disclose the recording portion records a combination of data and the combination of data is accumulated for each corresponding time.

However, Lence Barreiro teaches the combination of data is stored and accumulated for each corresponding time (Paragraph [0008]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai and Herkel with

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the teachings of Lence Barreiro, since it is known in the art to store and accumulate the operation data of an elevator (i.e. speed, position) so as to be able to determine notable event (i.e. abnormality) and recommend maintenance action (Paragraph [0008]).

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Herkel et al. (US 6,170,614 B1) as applied to claim 1 above, and further in view of Suzuki (US 4,998,601).

14. In Re claim 6, as we have discussed above, Fukai in view of Herkel discloses the history information recording portion. In addition, Fukai teaches a recording portion (27) is capable of recording routine inspection history (i.e. experiences of previous maintenance work).

Fukai in view of Herkel fails to disclose the soundness diagnosing portion.

However, with reference to Figure 3, Suzuki teaches a soundness diagnosing portion (ST 20, ST 22) that performs an automatic diagnosis on soundness of the abnormality monitoring portion (i.e. a command of restoring the usual operation) (Col 6 line 28 to Col 7 lines 4).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai and Herkel with the teachings of Suzuki, since it is known in the art to utilize soundness diagnosing portion to detect abnormal noise of an elevator created during an operation so as to be able to stop the operation of the elevator to protect passenger inside the elevator.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herkel et al. ('814), Fujino et al. ('029), Roberts, Mizuno et al., Fujino et al. ('399), Kugiya et al. and Lence Barreiro et al. ('350) are further cited to show related teachings in the art.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kawing Chan  
Examiner

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/Walter Benson/

Supervisory Patent Examiner, Art Unit 2837